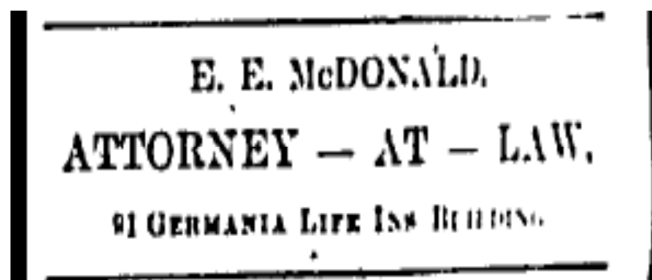


Elmer E. McDonald

June 15, 1861 – May 30, 1924

In 1883, at age 21, Elmer Ellsworth McDonald completed course work at the University of Wisconsin Law School, was admitted to the bar and began practicing law, soon joining the law office of Senator Spooner.¹ The next year he moved to St. Paul and was admitted to the bar on June 21st of that year.² He opened his own shop and placed his business card in the *Broad Axe*, a St. Paul newspaper:³



Active in Republican Party politics, he was elected to the Executive Committee of the Young Men's Republican Club in 1886.⁴ A decade later, his practice flourishing, he took aim at elective office. Though mentioned for a district court judgeship,⁵ he settled for the Republican nomination to represent District 26 in the state House of Representatives. He received the endorsement of *The Appeal: A National Afro-American Newspaper*.⁶

¹ John Coit Spooner (1843-1919) was an influential Senator from Wisconsin, who served two terms, 1885-1891, and 1897-1904.

² *St. Paul Daily Globe*, June 22, 1884, at 8 ("E. E. McDonald was admitted in the special term of the district court yesterday, to practice law in the courts of the state, on motion of J. N. Granger, Esq., and on the presentation of certificates from the supreme court of Wisconsin.").

³ *Broad Axe*, June 10, 1897, at 4.

⁴ *St. Paul Daily Globe*, May 25, 1886, at 2.

⁵ *Broad Axe*, September 10, 1896, at 4 ("There is quite a commotion in the Republican ranks in the sixth Ward over the fact that it has two candidates for district judgeship. One faction is giving its support to old. B. Lewis, the present assemblyman from the Ward, while another faction has brought out E. E. McDonald. The latter gentleman in conversation with the writer the other day admitted he was a candidate. Mr. McDonald has a clean political record and a host of warm friends on the other side as well on this side of the river. A lively fight at the primaries may be looked for between the friends of these gentlemen.").

⁶ *The Appeal : A National Afro-American Newspaper*, October 31, 1896, at 8.



E. E. McDONALD.
 Republican Candidate for the Legislature,
 Sixth Ward.

E. E. McDonald, nominated to represent in the legislature the Republican voters in the Sixth ward, has always been an active worker in the party. He has the confidence of the people of the West Side. He is an attorney and will help to roll up the big majority for the Republican party that the Sixth ward will send across the river on Nov. 3. Mr. McDonald has a large number of friends among the Afro-Americans to whom he has always been a staunch friend. He now offers them an opportunity to show their appreciation of his friendship. Don't fail to cast your vote for him.

1896 was the year of a hotly contested presidential contest between Republican William McKinley and Democrat-Populist William Jennings Bryan. McKinley had long coattails. The 26th District of the House of Representatives consisted of the Fourth, Fifth and Sixth Wards of St. Paul; each ward had one representative. McDonald ran in Ward Six. On November 3, 1896, all three Republican candidates were elected. The results of the election were:⁷

| | |
|--------------------------|-------|
| Henry Johns, R | 1,428 |
| J. E. Hearn, D. | 1,246 |

⁷ 1897 Blue Book, at 495. His biographical sketch was short:

ELMER E. McDONALD (Republican) is by profession an attorney-at-law, and resides at 121 W. Congress street, St. Paul. He was born in Star Prairie, Wisconsin, and received a common and high school education. Mr. McDonald is thirty-six years of age, and married. He has been a resident of St. Paul since 1884.

Id. at 621.

Ferdinand Barta, R 1,419
J . W . Douglas, D 1,185

E . E . McDonald, R 1,495
John Dale, D 1,068

He served one term. A few years later he was elected to the Board of Education. In 1899 the following biographical sketch, in which he credits Senator Spooner for his success, was published in *Sturdy Sons of St. Paul*:

Elmer E McDonald is a prominent citizen of the West Side, well known in the professional and political circles of the city. He was a pupil of United States Senator John C. Spooner in law and politics, and it was rare good fortune that he sustained that relation to one so eminent and well qualified for companion, counselor and guide. The years spent in Senator Spooner's law office at Hudson, Wis., were important ones, equipping him with courage and attainments essential to success. Mr. McDonald was born June 15, 1861, at New Richmond, St. Croix County, Wisconsin. His early education was obtained in the schools of his native city, which closed with his graduation from the high school with first honors. A thorough course in the law department of the Wisconsin University prepared him for the final work which culminated in his admission to the practice of law in 1883. A farmer's son, reared upon the farm, he had the best school of all for bringing out the talents and mettle needed in professional and public life. Mr. McDonald came to St. Paul in 1884 and opened a law office, and says of himself that he has had his share of practice here. He was elected a member of the house of representatives, legislature of 1897, and was one of the strong men of the Ramsey county delegation. Mr. McDonald was married in November, 1891, to Miss Addie C. Burbank, of this city, and the young people are favorites in the social circle in which they move.⁸

⁸ *Sturdy Sons of St. Paul* 62 (1899).

In 1903 he was offered a partnership by Leslie H. Bailey, a well-known trial lawyer in the town of Bemidji, the seat of Beltrami County. The *Broad Axe* broke the news:

Bemidji his new Home

St. Paul is to lose an able lawyer this week. Elmer E. McDonald who is at the head of his profession and has been engaged in the practice of law in this city for the past eighteen years has arranged to go to Bemidji where he will succeed Judge Spooner in the law firm of Bailey and Spooner. The latter gentleman was recently made a judge of the district in which he resides. As the business of this firm is unusually large and growing rapidly Mr. McDonald in becoming a member will have ample field for the exercise of his excellent abilities. The citizens of the West side, where he has resided for a number of years, will regret his departure more especially on account of the very active and public spirited part he took in all matters concerning the material advancement and growth of its commercial and industrial affairs. He ably represented this district in the twenty-ninth legislature. Mr. McDonald is a comparatively young man, and we will be very much mistaken if the future has not in store for him a prosperous and useful career.⁹

The new firm placed its business card in the local newspaper:¹⁰



Sadly Bailey died on March 12, 1905, ending the partnership.¹¹ In May, unexpectedly, the office of Beltrami County Attorney fell open when H. J. Loud,

⁹ *Broad Axe*, May 7, 1903, at 1.

¹⁰ *The Bemidji Daily Pioneer*, November 9, 1904, at 2.

¹¹ For his bar memorial, at which McDonald spoke, see "Leslie H. Bailey (1860-1905)" (MLHP, 2021).

who had been elected county attorney in November 1904, resigned “under fire” for being derelict in investigating county printing contracts.¹² McDonald, then practicing alone, applied for the post and in late June, by a vote of 3-2, the Beltrami County Commissioners elected him county attorney.¹³ He held that office through 1906. Meanwhile he formed a short-lived partnership with C. A. Pitkin, and they placed their card in the *Daily Pioneer*:¹⁴



For some reason he did not subscribe to the publication of books that would include a flattering self portrait. An exception occurred in 1907 when he placed a short sketch in *The Book of Minnesotans* edited by Albert Nelson Marquis.¹⁵

On March 27, 1909, the *Bemidji Daily Pioneer* printed a “Souvenir Edition” intended to portray the region as hospitable to industry, business, investors and settlers looking for new homesteads. One section had profiles of seven lawyers, including McDonald:¹⁶

Mr. McDonald graduated from the Law Department of Wisconsin University in 1883, and entered upon the practice of his

¹² *Bemidji Daily Pioneer*, May 2, 1905, at 3; *Minneapolis Journal*, May 3, 1905, at 18.

¹³ *Bemidji Daily Pioneer*, June 27, 1905, at 4.

¹⁴ *The Bemidji Daily Pioneer*, March 22, 1906, at 2.

¹⁵ Albert Nelson Marquis, ed., *The Book of Minnesotans* 325 (1907):

McDONALD, Elmer E., lawyer; born at New Richmond, Wis., June 15, 1861; son of William C. and Jane (Guy) McDonald; educated in University of Wisconsin and in Law Department, University of Wisconsin, graduating, degree of LL.B., June 22, 1883. Elected member Minnesota House of Representatives, 1897; elected member Board of Education, St. Paul, 1899; county attorney Beltrami Co., 1905-06. Married at St. Paul, Nov. 18, 1891, to Miss Addle C. Burbank. Business Address: Bemidji, Minn. Residence: Fowlds, Minn.

¹⁶ *Bemidji Daily Pioneer*, March 27, 1909, at 60-63.

profession at once, and continued to practice in St. Paul for nineteen years. He moved to Bemidji about five years ago, and has continued to practice here ever since. He has well appointed offices in the Post Office building and a large law library. He is a member of the Commercial Club, and has always been active in all matters pertaining to the city's welfare. He has served the public in the capacity of a member of the Board of Education of St. Paul, and a member of the Legislature of Minnesota, and County Attorney of Beltrami county. He was sent to the Legislature to aid in securing the necessary appropriation for our present new capitol building and represented his constituency well. He took a prominent part in the St. Paul Ice Carnival years ago, which was famous as an attraction for St. Paul.

Since coming to Bemidji he has taken an active part in every movement to advance the best interests of this North country, including among other things Bemidji's efforts to secure the Land Office, its efforts to secure and aid in the construction of the Red Lake Road to Red Lake and its efforts to secure wholesale houses for Bemidji, and is now giving up some time in other matters which will benefit Bemidji greatly, and has taken an active interest in matters pertaining to farming and cultivation of the land in this vicinity. He recently delivered the Memorial Address for the Elks Lodge at Crookston.

It speaks well for the county of which we write that a man of Mr. McDonald's ability and training should select Bemidji as the place in which to follow his chosen profession, and also proves that Beltrami county has inducements to offer to persons in every walk of life.

During the early 1900s the number of lawyers in Bemidji fluctuated but usually there were almost ten in active practice. Only a few lawyers placed

their business cards in the daily newspaper, McDonald being one. From the *Bemidji Daily Pioneer*, August 5, 1909:¹⁷

| | |
|---|--|
| LAWYERS | |
| G RAHAM M. TORRANCE LAWYER Miles Block Telephone 560 | |
| F RANK A. JACKSON LAWYER Bemidji, Minnesota | |
| E. E. McDONALD ATTORNEY AT LAW Office—Swedback Block, Bemidji, Minn. | |

In the nineteen teens he became more engaged in community and business affairs of the city than in party politics. His appearances for clients and in community events were frequently reported on the front page of the *Pioneer*. He was a member of the Bemidji Business Men's Association and President of the Carnival Association in 1917.¹⁸ He continued to invest in new business ventures as he had in St. Paul.¹⁹ In 1914 he was one of the incorporators of the Segal Emporium Company of Bemidji.²⁰

In 1909 a claim was made against him that, for some reason, he would not settle, though he surely was advised to do so. In 1908 he filed a mechanics lien on behalf of George Kreatz, builder of a new hotel in Bemidji, but neglected to foreclose the lien within the time set by law. Kreatz thereupon sued McDonald for legal malpractice, seeking \$3,048.65 in damages. The case was tried to a jury, which returned a defendant's verdict on March 15, 1912.²¹ On appeal the Supreme Court reversed, and sent the case back for a

¹⁷ *The Bemidji Daily Pioneer*, August 5, 1909, at 3. He did not place his business card in the newspaper after 1911.

¹⁸ *The Bemidji Daily Pioneer*, February 27, 1914, at 1 (address to Business Men's Association); *The Bemidji Daily Pioneer*, December 15, 1917, at 1 (Carnival Association).

¹⁹ In 1887 he was one of the incorporators of the Kaministiquia Iron Mining Company of St. Paul. *St. Paul Daily Globe*, December 15, 1887, at 2.

²⁰ *The Bemidji Daily Pioneer*, May 12, 1914, at 4.

²¹ *The Bemidji Daily Pioneer*, March 16, 1912, at 1 ("Decides for McDonald").

new trial with instructions. ²² In the retrial, according to the front page story in the *Pioneer* on March 4, 1914, the jury awarded Kreatz \$3,000 against “one of Bemidji's most prominent lawyers.” ²³

He was very active in the Minnesota State Bar Association. Like most members of the bar, he succumbed to the war hysteria in 1917-1918. In April 1917 he delivered a patriotic address to a crowd of 200 at city hall. ²⁴ In August of that year he attended a meeting of the governing council of the state bar association, which denounced Minneapolis Mayor Van Lear for making a seditious speech.²⁵ By 1924 he was Vice President of the organization and was in line to become President at its annual convention to be held in Bemidji in early July. But this was not to be.

Elmer E. McDonald died of heart failure on May 30, at age 62. The *Pioneer* carried the story on its front page:

**E. E. MCDONALD
PASSES FRIDAY
NOON AT HOME**

**Prominent Local Attorney
Dies at Lavinia Home After
Few Hours of Illness.**

²² *Kreatz v. McDonald*, 123 Minn. 353, 143 N.W. 975 (1913). The ruling made the front page of *The Bemidji Daily Pioneer*, November 17, 1913, at 1 (“In the case of George Kreatz vs. E. E. McDonald, involving \$3,048.65, the supreme court reversed the decision of the district court and granted the appellant a new trial. The case is of long standing and was brought by Mr. Kreatz against Atty. E. E. McDonald for the alleged failure to foreclose a lien on the old Rex Hotel building. Mr. McDonald secured the decision in the court before Judge Wright. The case was appealed to the supreme court where the decision was reversed.”).

Years earlier, when practicing in St. Paul, he was a defendant in a suit for \$1,000 arising out of an attachment proceeding. Another defendant was W. H. McDonald, his brother. *St. Paul Daily Globe*, February 5, 1885, at 2.

²³ *The Bemidji Daily Pioneer*, March 4, 1914, at 1 (“After having deliberated for more than 12 hours the jury in the case of George Kreatz, a Bemidji contractor, against E. E. McDonald, one of Bemidji's most prominent lawyers, returned a verdict for the amount asked by the plaintiff, \$3,000. Mr. Kreatz sued to collect the amount lost by him owing to the neglect of Mr. McDonald in failing to foreclose mechanic's lien on the Merchants hotel building. The building was erected by Mr. Kreatz.”).

²⁴ *The Bemidji Daily Pioneer*, April 20, 1917, at 1 (“Loyalty Day Observed By Political League of Bemidji”).

²⁵ *The Bemidji Daily Pioneer*, August 10, 1917, s at 1 (“State Lawyers Ask Removal of Minneapolis Mayor for Antagonizing Government.”).

Funeral services to be held here Sunday

**Addressed Kiwanis Thursday Noon;
Was Vice-President of Minnesota State Bar**

Elmer Ellsworth McDonald, 63 years of age next June 15, passed away at his summer home at Lavinia on the east shore of Lake Bemidji Friday forenoon at 11:10, death being due to heart disease, from which he had suffered at times during the past several years. Word of his death came as a great shock to his thousands of friends who knew him only as a strong and robust man for one of his years. Those who were closely associated with him and knew of his ailments were not so surprised that death should come in this way and with the suddenness that it did.

Taken ill about 2:00 o'clock Friday morning, Mr. McDonald passed away quietly just before noon. Thursday he spent a busy day in the office and at noon he spoke before the Bemidji Kiwanis club relative to a peat program which is under consideration here. He appeared in his usual health that presented his subject and presented his subject in his usual forceful manner.

Not only was attorney McDonald one of the Bemidji's most prominent barristers, but he was vice-president of the Minnesota State Bar Association, which is to hold its annual convention in Bemidji July 1, 2 and 3, and was looking forward to that meeting with great anticipation of being advanced to the position of president, as is customary after having held the vice-presidency. He was a member of the Minnesota State Bar Association for the past 28 years, being a charter member. Before being elevated to the vice-presidency he was a member of the board of governors of that organization.

Born in new Richmond Wisconsin, June 15, 1861, he was raised there as a boy and a young man, going from there to the University of Wisconsin where he studied law. He developed very rapidly and at 21 years of age was practicing law, starting his career in the office of Senator Spooner of Wisconsin.

In 1884 he started a law office for himself in St. Paul. He was united in marriage in 1891 to Miss Addie Clyde of St. Paul and continued to live there until 1903, when he and Mrs. McDonald moved to Bemidji where they have resided since.

....

Judge Royal A. Stone, associate justice of the Minnesota State Supreme Court and president of the Minnesota State Bar Association, has appointed a committee of 12 prominent barristers to attend the funeral to represent the bar association. The name[s] of the committee were not announced at St. Paul today, but the delegation is expected to arrive on the morning train Sunday, to pay their respects to their departed vice president. . . .

Mr. McDonald is survived by his wife and two brothers, W. H. McDonald of Minneapolis and Alpheus McDonald of New Richmond, Wisconsin. Three sisters preceded him in death, one being the wife of Sen. Moses E. Clapp passed away at Washington, D. C. last Tuesday. She was laid to rest there Thursday. . . .

Besides being a leader among the state barristers, Mr. McDonald was very active in philanthropic and service work. During the World War he handled the civilian relief department of the Red Cross in this section and more than 1200 relief cases went through his office. He was president of the Beltrami County Public Health Association and for a time was president of the Lake Julia Sanatorium board. During his residence at St. Paul he was a member of the state legislature from Ramsey County. He was

always active in civic affairs in Bemidji and spent much of his time in an effort to build up a bigger and better Bemidji.

Mrs. McDonald has the heartfelt sympathy of the entire community in this time of bereavement and a sorrowing community unites with her in mourning Mr. McDonnell's death.²⁶

In that issue the *Pioneer* editorialized:

Elmer E. McDonald

The uncertainties of our human existence were never more forcibly impressed on the city Bemidji than on Memorial Day when the sudden death of Hon. Elmer E. McDonald became known. Apparently in good health, active in his business and interested in development matters, Mr. McDonald had on Thursday attended to his affairs in his usual manner. He was taken sick during the night and expired Friday morning.

Coming from St. Paul twenty-two years ago, Mr. McDonald had linked his destiny with the growth of Northern Minnesota. He was a man of vision, a man who saw the possibilities of this part of the state but backing his vision was an unusual ability for organization. While in St. Paul he had served as a member of the legislature and had been active in politics. In Bemidji he was able to carry out many of his projects and the projects in which his friends were interested because of his statewide acquaintance. As an attorney he had built up a splendid practice, holding the confidence and respect of his clients. He was an enthusiastic booster of all development projects, actively connected with the Northern Minnesota Development Association during his years of usefulness and on the day before his death appeared before a local organization in the interests of a new project he considered of importance.

²⁶ *The Bemidji Daily Pioneer*, May 31, 1924, at 1 (photograph and details of funeral omitted).

He was vice-president of the State Bar Association and as a member of the program committee had been busy planning for the entertainment to be provided the members of his profession at the time of their proposed visit to Bemidji in June.

To his bereaved widow is extended the sincere sympathy of the community.²⁷

The following memorial was delivered at the annual convention of the Minnesota State Bar Association in Bemidji in July:

Elmer E. McDonald was born at new Richmond, Wisconsin, June 15, 1861. He received his early education in the common schools of that community, going thence to the University of Wisconsin, where he graduated, and at the early age of twenty-one years was engaged in the active practice of the law. He was in the office of Senator Spooner of Wisconsin until 1884, when he removed to St. Paul and opened an office there.

He served one term in the Minnesota State Senate (sic), having been elected from one of the Senatorial Districts of Ramsey County.

In 1891 he was united in marriage with Miss Addie Clyde, who survives him, and in 1903 they removed to Bemidji, where he formed a partnership with the late L. H. Bailey, and on the death of the latter in 1905, continued the practice of his profession alone and built up a large and lucrative practice. He was a charter member of the Minnesota State Bar Association and at the time of his death was Vice President.

He was generally recognized as, and justly earned the reputation, of being one of the best civil trial lawyers Minnesota.

His unfailingly good nature and remarkable tact in the trial of a lawsuit often enabled him to turn to his own advantage and that

²⁷ *The Bemidji Daily Pioneer*, May 31, 1924 at 4.

of his client a situation which would have been embarrassing to many less tactful practitioners.

He loved to live, and enjoyed living, He made friends easily, owing to his genial personality, and retained their friendship and esteem to the end. Large hearted and public spirited, he gave generously and graciously of his time and money to every movement for the relief of human suffering, and for the betterment and upbuilding of Bemidji – the city – his home, which he loved above all others.

He made his home at a beautiful spot near Lavinia on the shore of Lake Bemidji, and there, surrounded by books, works of art and trophies of his skill as a hunter, he lived an ideal life, and there the Angel of Death called him May 30th, 1924.

He loved the great outdoors. He loved flowers and birds and all the little denizens of the woods, with many of whom he had made friends, and who, overcoming their natural shyness, partook thankfully of his never-failing bounty.

The Bar of the State of Minnesota and Beltrami County has suffered a great loss in the death of Elmer E. McDonald, Bemidji and Northern Minnesota, a valiant, ever-ready and outspoken champion.

And although he has left us, his kindly smile and warm handclasp will never be forgotten by those who had the pleasure of his acquaintance.

And we, the surviving members of the Beltrami County Bar Association, fondly hope that his spirit is enjoying supreme happiness – “Over There, where the living waters flow,” the beauties of which “eye hath not seen, nor ear heard, nor it is given to the mind of man to understand thereof.”²⁸

²⁸ Proceedings, Minnesota State Bar Association 108-109 (1924).